UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON, et al.,	)	
Plaintiffs	)	
v.	)	C.A. No. 03-335L
AMERICAN FOAM CORPORATION, et al.,	)	(as to Plaintiff Michelle Spence ONLY)
Defendants	)	

ANSWER OF DEFENDANT JACK RUSSELL TO PLAINTIFF MICHELLE SPENCE'S NOTICE OF ADOPTION OF FIRST AMENDED MASTER COMPLAINT

Plaintiff Michelle Spence in this action has adopted the First Amended Master Complaint filed in Albert L. Gray, Administrator, et al. v. Jeffrey Derderian, et al., C.A. No. 04-312L (the "Gray Case") in its entirety by filing a Notice of Adoption of First Amended Master Complaint. Defendant Jack Russell ("Mr. Russell") hereby adopts and incorporates in its entirety his Answer filed in the Gray Case as his Answer in this case as to Plaintiff Michelle Spence, including his invocation of the Fifth Amendment Privilege, the Affirmative Defenses and Jury Demand.

Plaintiff Michelle Spence has also asserted additional allegations set forth in an unnumbered paragraph in Plaintiff's Notice of Adoption of First Amended Master Complaint. Mr. Russell responds to the supplemental paragraph as follows:

[Unnumbered Paragraph]: Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to individuals or entities other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be

206

found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of the Fifth Amendment Privilege have the effect of a denial of those allegations.

JURY DEMAND

Mr. Russell demands a trial by jury on all issues so triable.

WHEREFORE, Defendant Jack Russell respectfully requests that:

A. The Plaintiffs' First Amended Complaint, as adopted by Michelle Spence, be dismissed with prejudice as to him;

B. Plaintiff Michelle Spence's demands for relief against Defendant Jack Russell be denied in every respect; and

C. the Court grant such other and further relief as may be just, proper and equitable.

JACK RUSSELL

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Dated: February 4, 2005

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February, 2005, I served a true copy of the within Answer of Defendant Jack Russell to Plaintiff Michelle Spence's Notice of Adoption of First Amended Master Complaint via e-mail on all counsel of record listed on the attached service list.

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P120994.1

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